

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

REYNALDO SALINAS, et al.,

Plaintiffs,

No. C 08-1463 PJH

v.

ORDER

AMTECK OF TEXAS, et al.,

Defendants.

On November 18, 2009, the court heard argument in the motion for summary judgment brought by defendant Snorkel International, Inc. ("Snorkel"), and the cross-motions for summary judgment brought by plaintiffs and defendant Amteck of Kentucky, Inc. ("Amteck"). At the conclusion of the argument on Snorkel's motion, the court granted plaintiff's request for leave to file a sur-reply, and ordered that it be filed no later than November 25, 2009. The court advised the parties that it would take the motions under submission.

Defendant The Haskell Company ("Haskell") also filed a motion for summary judgment, which was set for hearing on December 2, 2009 – the dispositive motions hearing deadline set in the April 6, 2009 Revised Case Management and Pretrial Order.

On December 1, 2009, counsel for Amteck and Haskell advised the court that a settlement had been reached as to all claims between plaintiffs and Amteck and between plaintiffs and Haskell. Accordingly, the court did not hear argument in Haskell's motion on December 2, 2009.

On December 3, 2009, counsel contacted the clerk by telephone to advise that the settlement had "fallen apart," and requested guidance as to further proceedings, particularly

1 as to the hearing on Haskell's motion.

2 The parties having missed the deadline for hearing dispositive motions, the court will
3 not schedule another date. The court has no availability for a hearing any time in the near
4 future. Accordingly, the court will decide Haskell's motion on the papers, and will issue a
5 written decision at the time it issues the decision on Snorkel's motion and plaintiffs' and
6 Amteck's cross-motions. Further, as to Snorkel's motion, plaintiffs having missed the
7 deadline for filing the sur-reply, the briefing is closed.

8
9 **IT IS SO ORDERED.**

10 Dated: December 3, 2009



PHYLLIS J. HAMILTON
United States District Judge